REMARKS/ARGUMENTS

Upon entry of this Amendment, which cancels Claim 18; amends Claims 1 and 17; and adds new Claims 33-38; Claims 1-17 and 19-38 remain pending in the present application.

In the February 25, 2004 specification was objected to for not including the application number of U.S. patent application incorporated by reference on page 7 of the specification. Claims 1-4, 7-9, 17-20 and 23-25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,745,527 to Kelton et al. (hereinafter referred to as "Kelton et al."). Claims 5, 6, 21 and 22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kelton et al. Finally, Claims 10-16 and 26-32 were indicated as being allowable over the prior art of record.

Applicant respectfully requests reconsideration of the claims in view of the above amendments and the comments below.

Objection to the Specification

In the Office Action, the specification was objected to for not including the patent application number of an incorporated U.S. patent application. In response, Applicant has amended the specification so that it includes the patent application number of the incorporated patent application.

35 U.S.C. § 102(b) Claim Rejections – Claims 1-4, 7-9, 17-20 and 23-25

On page 2 of the Office Action, Claims 1-4, 7-9, 17-20 and 23-25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kelton et al. For the following reasons Applicant respectfully disagrees.

Kelton et al. disclose a symbol generator that performs the steps of: dividing an information bit stream into a set of successive representations of constellation symbols, each with a symbol interval, and finite impulse response filtering each constellation symbol of the set of successive representations of constellation symbols to produce at least one filtered symbol sample per symbol interval.

In column 5, lines 22-30, Kelton et al. describe how the symbol generator 10 may operate under a time division multiplex access (TDMA) format. According to the TDMA format, a 7 bit counter and ramp down control 16 functions to ramp the output signal at a beginning and an end of a transmission burst. Ramp-up control is provided within the 7-bit counter and ramp down control 16 by successively shifting values of zero into symbol filter tap positions (from left to right) across the filter tap register 12 during ramp-up. During ramp-down the 7-bit counter and ramp down control 16 successively shifts zeros into filter tap positions from (right to left).

By contrast, independent Claim 1 of the present application claims a method of controlling ramping of a communications signal that adds a "predetermined sequence of symbols to a sequence of information symbols to be communicated to form an augmented sequence of symbols...", wherein adding said predetermined sequence of symbols is performed in a manner that ensures a transient spectrum of the envelope signal during ramping is no worse than during information bearing modulation. As best

understood from the limited explanation provided, the zeros shifted into the filter tap positions in the Kelton et al. apparatus are not used to affect the transient spectrum, let alone in a manner that ensures the transient spectrum of the signal during ramping is no worse than the transient spectrum during information bearing modulation. One reason for this is that the data input into the filter is symbol phase data only. Accordingly, for at least this reason, Applicant respectfully believes that the § 102(b) rejection of independent Claim 1 cannot be properly maintained.

Independent Claim 17 was also rejected as allegedly being anticipated by Kelton et al. Claim 17 includes, among other elements, a "polar modulator" that is "operable to modulate a carrier signal in accordance with [an] envelope signal. Kelton et al. does not disclose circuitry for controlling ramping that employs a polar modulator, and provides no suggestion of how the symbol generator 10 described therein might be modified to accommodate a polar modulator. Accordingly, for at least this reason, Applicant respectfully believes that the § 102(b) rejection of independent Claim 17 cannot be properly maintained.

For at least the foregoing reasons Applicant believes that Kelton et al. does not anticipate either independent Claim 1 or independent Claim 17. Applicant respectfully requests, therefore, that the § 102(b) rejections of independent Claims 1 and 17 be withdrawn. Claims 2-4, 7-9, 18-20 and 23-25 all depend from either independent Claim 1 or independent Claim 17. Accordingly, they depend from what appear to be allowable base claims. Applicant, respectfully requests, therefore, that the § 102(b) rejections of these dependent claims also be withdrawn.

35 U.S.C. § 103(a) Claim Rejections – Claims 5, 6, 21 and 22
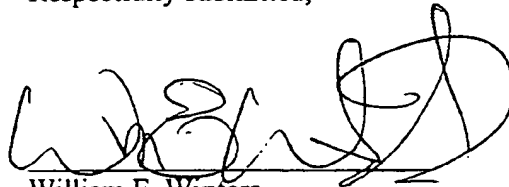
On pages 2-3 of the Office Action, Claims 5, 6, 21 and 22 were rejected under 35

U.S.C. § 103(a) as allegedly being unpatentable over Kelton et al. Claims 5, 6, 21 and 22

all depend from either independent Claim 1 or independent Claim 17, both of which

explained above appear to be allowable over the prior art of record. It follows that

dependent Claims 5, 6, 21 and 22 should also be allowable as depending from allowable

base claims.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this

Application are in condition for allowance. The issuance of a formal Notice of

Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of

this application, please telephone the undersigned at 408-282-1857.

Respectfully submitted,

Dated: JUNE 24, 2004

William E. Winters
Reg. No. 42,232

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
(408) 282-1857 Telephone
(408) 287-8040 Facsimile